

Remarks

Claims 1-15 and 17-55 are pending in the present application. Claims 1-15 and 17-55 are currently rejected.

1.) *Rejection of Claims 1-15 and 17-55 for Obviousness:*

The Examiner has rejected Claims 1-15 and 17-55 under 35 U.S.C. §103 for obviousness over U.S. Patent No. 6,685,563 (Meekins) in view of what is known to one of ordinary skill in the art. Specifically, the Examiner states that Meekins discloses “a gaming device interface comprising interface means for detecting and receiving, analyzing and translating an [sic] signals (see col. 5, lines 53-67; col. 6, lines 1-12; and col. 9, lines 4-12); lottery entry means (see col. 11, lines 1-7; col. 13, lines 1-3, 13-16, and 28-35); outputting lottery outcomes (see col. 11, lines 44-51 and 64-67). The Examiner acknowledges that Meekins does not disclose detection means or outputting lottery entry commands upon the occurrence of an event. However, the Examiner states that “since Meekins et al discloses providing a lottery ticket when the computer detects a game event (see col. 13, lines 28-31 and lines 34-35” ... it would have been obvious to “generate a lottery ticket dispensing command...”

a.) *Meekins Use of the Term “Lottery Ticket” Does Not Predate the Priority Filing Date from the Grandparent Application 09/834,537 for a “LOTTERY GAME/GAMING DEVICE INTERFACE”:*

The Examiner cites col. 13, lines 34-35 (which are the last two lines of Claim 2) of Meekins as teaching an entry to a lottery, Claim 2 states:

*The networked gaming system according to claim 1
wherein the video lottery terminal comprises:
means for generating a lottery ticket; and
means for providing the lottery ticket to the player (emphasis
added).*

Although the Applicant continues to argue that Meekins is not a valid prior art reference for other reasons, the right to priority to the Applicant's '537 Grandparent has not been disputed by the Examiner. And the '537 Application clearly predates the portion of Meekins that is the exclusive reference to the delivery and/or generation of a lottery ticket. The specification of Meekins does not teach or suggest outputting an entry to a lottery in any form. No mention is made of the use of a "lottery ticket" in any form. The only use of the term "lottery ticket" is in the language of claims of 2 and 10. As noted in a previous response of September 4, 2004, Claim 2 and Claim 10, were not included in the original filing of the Meekins Application on March 2, 2000. The claim language for "a lottery ticket" in Meekins was entered on December 24, 2002 by an amendment to the claims. This is approximately 18 months after the Applicant's grandparent Application 09/834,537 had been filed on April 13, 2001. The Specification for the grandparent '537 Application is substantially copied and contained within the specification of the present Application. This gives the present application an effective filing date of at least April 13, 2001 with respect to the use of a lottery ticket.

Therefore, Meekins simply is not a valid prior art reference with respect to outputting an entry to a lottery or providing a lottery entry ticket to a player. Consequently, this rejection of the pending claims is overcome since the only portion of Meekins that references a means for generating and delivering a lottery ticket simply did not exist before the effective filing date of the present application.

b.) Request for Affidavit from Examiner Regarding Detection Means and Lottery Entry Commands:

In the previous response of September 4, 2004, the Applicant requested an affidavit from the Examiner regarding the knowledge of one of ordinary skill due to the Examiner's reliance on this knowledge in making a rejection of the claims for obviousness. The request for affidavit is allowed by 37 C.F.R. §1.104(d)(2) which states:

When a rejection in an application is based on facts within the personal knowledge of an employee of the Office, the data shall be as specific as possible, and the reference must be supported, when called for by the applicant, by the affidavit of such employee, and such affidavit shall be subject to contradiction or explanation by the affidavits of the applicant and other persons.

The Examiner has not complied with a request for affidavit. Instead, the Examiner states “the applicant must specifically state why the noticed fact is not considered to be common knowledge or well known in the art. See 37 CFR 1.111(b).”

In reviewing 37 CFR §1.111(b), the basis for the Examiner’s statement is not clear. The cited section gives the requirements for a bona fide response to an office action. It mentions “applied references” while making no mention of a “noticed fact” or “common knowledge”. In fact, the affidavit was requested in order to provide the Applicant with a clear, concrete set of facts for the record so that the Application may make a rebuttal.

Applicant again requests under 37 C.F.R. §1.104(d)(2) that the Examiner submit an affidavit stating that based on his personal knowledge, it is well known to one of ordinary skill in the art to generate a lottery ticket dispensing command from a controller of the lottery system/electronic gaming device of the present invention to the ticket dispenser of Meekins. In the alternative, Applicant requests that the Examiner withdraw this rejection.

2.) *Reply to Examiner’s “Response to Arguments”:*

Applicant has considered the Examiner’s “Response to Arguments” and respectfully disagrees. Specifically, Applicant asserts the claim terms are disclosed and supported in parent applications and entitled to the corresponding priority date. Also, Applicant asserts that the Examiner is required to submit an affidavit as requested under 37 C.F.R. §1.104(d)(2) if the present rejection for obviousness is to stand. Additionally, Applicant asserts that Meekins’ “ticket” is not a lottery ticket/entry. Finally, Applicant asserts that the cited passage of Meekins was added by amendment and therefore is not a

valid prior art reference because it did not exist prior to the effective filing date of the present application.

3.) Conclusion:

In view of the preceding remarks, the rejections have been overcome. Therefore, Applicant respectfully requests the withdrawal of all outstanding rejections and an issuance of a Notice of Allowance for all pending claims. Please apply any additional fees or credits to Deposit Account #: 50-4293, Reference #: A9658-81022.

Respectfully Submitted,

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